

ate (S. 640) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. SHUSTER submitted the following amendment which was agreed to:

Strike out all after the enacting clause and insert the provisions of H.R. 3592, as passed by the House.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill, as amended, was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said amendment.

By unanimous consent, H.R. 3592, a similar House bill, was laid on the table.

#### ¶97.21 OSCAR GARCIA RIVERA POST OFFICE

Mr. MCHUGH moved to suspend the rules and pass the bill (H.R. 885) to designate the United States Post Office building located at 153 East 110th Street, New York, New York, as the "Oscar Garcia Rivera Post Office Building".

The SPEAKER pro tempore, Mr. EWING, recognized Mr. MCHUGH and Mr. MORAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. EWING, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶97.22 AUGUSTA "GUSTY" HORNBLOWER POST OFFICE

Mr. MCHUGH moved to suspend the rules and pass the bill (H.R. 3768) to designate a United States Post Office to be located in Groton, Massachusetts, as the "Augusta 'Gusty' Hornblower United States Post Office".

The SPEAKER pro tempore, Mr. EWING, recognized Mr. MCHUGH and Mr. MORAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. EWING, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶97.23 ROSE Y. CARACAPPA POST OFFICE

Mr. MCHUGH moved to suspend the rules and pass the bill (H.R. 3139) to redesignate the United States Post Office building located at 245 Centereach Mall on Middle Country Road in Centereach, New York, as the "Rose Y. Caracappa United States Post Office Building".

The SPEAKER pro tempore, Mr. EWING, recognized Mr. MCHUGH and Mr. MORAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. EWING, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶97.24 ROGER P. MCAULIFFE POST OFFICE

Mr. MCHUGH moved to suspend the rules and pass the bill (H.R. 3834) to redesignate the Dunning Post Office in Chicago, Illinois, as the "Roger P. McAuliffe Post Office".

The SPEAKER pro tempore, Mr. EWING, recognized Mr. MCHUGH and Mr. MORAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. EWING, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶97.25 AMOS F. LONGORIA POST OFFICE

Mr. MCHUGH moved to suspend the rules and pass the bill (H.R. 2700) to designate the United States Post Office building located at 7980 FM 327, Elmen-dorf, Texas, as the "Amos F. Longoria Post Office Building"; as amended.

The SPEAKER pro tempore, Mr. EWING, recognized Mr. MCHUGH and Mr. MORAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. EWING, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to designate the building located at 8302 FM 327, Elmen-dorf, Texas, which houses operations of the United States Postal Service, as the 'Amos F. Longoria Post Office Building'".

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶97.26 VETERANS EMPLOYMENT OPPORTUNITIES

Mr. MICA moved to suspend the rules and pass the bill (H.R. 3586) to amend title 5, United States Code, to strengthen veterans' preference, to increase employment opportunities for veterans, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. EWING, recognized Mr. MICA and Mr. MORAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. EWING, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶97.27 VETERANS HEALTH CARE ELIGIBILITY

Mr. STUMP moved to suspend the rules and pass the bill (H.R. 3118) to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs; as amended.

The SPEAKER pro tempore, Mr. EWING, recognized Mr. STUMP and Mr. MONTGOMERY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. EWING, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SOLOMON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. MYRICK, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

#### ¶97.28 COMPENSATORY TIME

The SPEAKER pro tempore, Mrs. MYRICK, pursuant to House Resolution 488 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2391) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for all employees.

The SPEAKER pro tempore, Mrs. MYRICK, by unanimous consent, designated Mr. LAHOOD as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. WELLER, assumed the Chair.

When Mr. LAHOOD, Chairman, pursuant to House Resolution 488, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Working Families Flexibility Act of 1996".

#### SEC. 2. COMPENSATORY TIME.

Subsection (c) of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended—

(1) by striking paragraphs (1) through (5) and inserting the following:

"(1) An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compensatory time off at a rate not less than one and one-half hours for each hour of employment for which overtime compensation is required by this section.

"(2) An employer may provide compensatory time under paragraph (1) only—

"(A) pursuant to—

"(i) applicable provisions of a collective bargaining agreement, memorandum of understanding, or any other agreement between the employer and representatives of such employees, or

"(ii) in the case of employees who are not represented by a collective bargaining agent or other representative designated by the employee, an agreement or understanding arrived at between the employer and employee before the performance of the work if such agreement or understanding was entered into knowingly and voluntarily by such employee;

"(B) in the case of an employee who is not an employee of a public agency, if such employee has affirmed, in a written or otherwise verifiable statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to receive compensatory time in lieu of overtime compensation; and

"(C) if the employee has not accrued compensatory time in excess of the limit appli-

cable to the employee prescribed by paragraph (4) or (5).

In the case of employees described in subparagraph (A)(ii) who are employees of a public agency and who were hired before April 15, 1986, the regular practice in effect on such date with respect to compensatory time off for such employees in lieu of the receipt of overtime compensation, shall constitute an agreement or understanding described in such subparagraph. Except as provided in the preceding sentence, the provision of compensatory time off to employees of a public agency for hours worked after April 14, 1986, shall be in accordance with this subsection. An employer may provide compensatory time under paragraph (1) to an employee who is not an employee of a public agency only if such agreement or understanding was not a condition of employment.

"(3) An employer which is not a public agency and which provides compensatory time under paragraph (1) to employees shall not directly or indirectly intimidate, threaten, or coerce or attempt to intimidate, threaten, or coerce any employee for the purpose of—

"(A) interfering with such employee's rights under this subsection to request or not request compensatory time off in lieu of payment of overtime compensation for overtime hours; or

"(B) requiring any employee to use such compensatory time.

"(4)(A) An employee, who is not an employee of a public agency, may accrue not more than 240 hours of compensatory time.

"(B)(i) Not later than January 31 of each calendar year, the employee's employer shall provide monetary compensation for any compensatory time off accrued during the preceding calendar year which was not used prior to December 31 of the preceding year at the rate prescribed by paragraph (6). An employer may designate and communicate to the employer's employees a 12-month period other than the calendar year, in which case such compensation shall be provided not later than 31 days after the end of such 12-month period.

"(ii) The employer may provide monetary compensation for an employee's unused compensatory time in excess of 80 hours at any time after giving the employee at least 30 days notice. Such compensation shall be provided at the rate prescribed by paragraph (6).

"(iii) An employer which has adopted a policy offering compensatory time to employees may discontinue such policy upon giving employees 30 days notice. An employee who is not an employee of a public agency may withdraw an agreement or understanding described in paragraph (2)(A)(ii) at any time.

"(C) An employee may also request in writing that monetary compensation be provided, at any time, for all compensatory time accrued which has not yet been used. Within 30 days of receiving the written request, the employer shall provide the employee the monetary compensation due in accordance with paragraph (6).

"(5)(A) If the work of an employee of a public agency for which compensatory time may be provided included work in a public safety activity, an emergency response activity, or a seasonal activity, the employee engaged in such work may accrue not more than 480 hours of compensatory time for hours worked after April 15, 1986. If such work was any other work, the employee engaged in such work may accrue not more than 240 hours of compensatory time for hours worked after April 15, 1986. Any such employee who, after April 15, 1986, has accrued 480 or 240 hours, as the case may be, of compensatory time off shall, for additional overtime hours of work, be paid overtime compensation.

"(B) If compensation is paid to an employee described in subparagraph (A) for accrued compensatory time off, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment.

"(6)(A) An employee of an employer which is not a public agency who has accrued compensatory time off authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment, be paid for the unused compensatory time at a rate of compensation not less than—

"(i) the average regular rate received by such employee during the period during which the compensatory time was accrued, or

"(ii) the final regular rate received by such employee, whichever is higher.

"(B) An employee of an employer which is a public agency who has accrued compensatory time off authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment, be paid for the unused compensatory time at a rate of compensation not less than—

"(i) the average regular rate received by such employee during the last 3 years of the employee's employment, or

"(ii) the final regular rate received by such employee, whichever is higher.

"(C) Any payment owed to an employee under this subsection for unused compensatory time shall be considered unpaid overtime compensation.

"(7) An employee—

"(A) who has accrued compensatory time off authorized to be provided under paragraph (1), and

"(B) who has requested the use of such compensatory time, shall be permitted by the employee's employer to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the employer."; and

(2) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively.

#### SEC. 3. REMEDIES.

Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(1) in subsection (b), by striking "(b) Any employer" and inserting "(b) Except as provided in subsection (f), any employer"; and

(2) by adding at the end the following:

"(f) An employer which is not a public agency and which violates section 7(o)(3) shall be liable to the employee affected in the amount of the rate of compensation (determined in accordance with section 7(o)(6)(A)) for each hour of compensatory time accrued by the employee and in an additional equal amount as liquidated damages reduced by the amount of such rate of compensation for each hour of compensatory time used by such employee."

#### SEC. 4. NOTICE TO EMPLOYEES.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations published at 29 C.F.R. 516.4, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that such notice reflects the amendments made to such Act by this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. WELLER, announced that the yeas had it.